

KATTEN MUCHIN ROSENMAN LLP
50 Rockefeller Plaza
New York, New York 10020
(212) 940-8800
*Attorneys for RBC Investor Services S.A., RBC Investor
Services Trust, and Banco Inversis, S.A.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION)	
CORPORATION,)	Adv. Pro. No. 08-01789 (CGM)
Plaintiff-Applicant,)	
)	SIPA Liquidation
v.)	(Substantively Consolidated)
)	
BERNARD L. MADOFF INVESTMENT)	
SECURITIES, LLC,)	
Defendant.)	
In re:)	
)	
BERNARD L. MADOFF INVESTMENT)	
SECURITIES, LLC,)	
Debtor.)	
)	
IRVING H. PICARD, Trustee for the)	
Substantively Consolidated SIPA)	
Liquidation of Bernard L. Madoff)	
Investment Securities LLC and the Estate of)	
Bernard L. Madoff)	
)	
Plaintiff,)	
)	
v.)	
)	
BANQUE INTERNATIONALE À LUXEMBOURG)	Adv. Pro. No. 12-01698 (CGM)
S.A. (f/k/a Dexia Banque Internationale à)	
Luxembourg S.A.); RBC INVESTOR SERVICES)	
BANK S.A (f/k/a RBC Dexia Investor Services Bank)	
S.A.); RBC INVESTOR SERVICES TRUST (f/k/a)	
RBC Dexia Investor Services Trust); BANCO)	
INVERDIS, S.A., as successor in interest to RBC)	
Dexia Investor Services España S.A.; and BANQUE)	
INTERNATIONALE À LUXEMBOURG (SUISSE))	
S.A. (f/k/a Dexia Private Bank (Switzerland) Ltd.),)	
)	
Defendants.)	

**NOTICE OF JOINDER IN OBJECTING DEFENDANTS' OPPOSITION TO
TRUSTEE'S MOTION FOR ORDER AMENDING ORDER APPOINTING A
DISCOVERY ARBITRATOR PURSUANT TO BANKRUPTCY RULE 9019(c) AND
GENERAL ORDER M-390**

Defendants RBC Investor Services Bank S.A. (f/k/a RBC-Dexia Investor Services Bank S.A.), RBC Investor Services Trust (f/k/a RBC-Dexia Investor Services Trust), and Banco Inversis, S.A. (as successor in interest to RBC-Dexia Investor Services España S.A. (collectively, the "RBC Dexia Defendants") hereby object to the *Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390*, filed in Adv. Pro. No. 08-01789 (CGM), ECF 23449, 23454 ("Trustee's Motion"), by Irving H. Picard, as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff ("Trustee"), and join in all aspects of the Opposition to the Trustee's Motion, ECF 23516, filed by Objecting Defendants, except for ¶¶ 8, 19 (third sentence), 32-38, and the final sentence of the Conclusion paragraph.

The RBC Dexia Defendants are a party to one of the adversary proceedings, referred to by the Trustee as the Subsequent Transfer Cases, in which the Case Management Plan does not provide for mandatory discovery arbitration (see Adv. Pro No. 12-01698, ECF No. 191 ¶ 8), and as such, the fallback position advocated by Objecting Defendants in their Opposition – that, at a minimum, the Court deny the Trustee's Motion only with respect to adversary proceedings with previously entered Case Management Plans that (1) provide for mandatory discovery arbitration and (2) cite the existing Order Appointing Discovery Arbitrator – would not be adequate to protect the rights of the RBC Dexia Defendants, which are in all other relevant respects identically situated to Objecting Defendants.

Because the Trustee has failed to justify the modification to the Order Appointing Discovery Arbitrator he seeks, under either Rule 60(b)(5) or Rule 60(b)(6), the Trustee's Motion should be denied in its entirety as to all defendants who are parties to the Subsequent Transfer cases.

Dated: September 6, 2023
New York, New York

KATTEN MUCHIN ROSENMAN LLP

By: /s/Anthony L. Paccione
Anthony L. Paccione
Mark T. Ciani
Zachary S. Beal
50 Rockefeller Plaza
New York, New York 10020
(212) 940-8800
anthony.paccione@katten.com
mark.ciani@katten.com
zachary.beal@katten.com

*Attorneys for RBC Investor Services S.A.,
RBC Investor Services Trust, and Banco
Inversis, S.A.*